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#13

To: U.S. Patent and Trademark Office – From: Christian R. Andersen
Examiner: Binh Kien TIEU
Group Art Unit: 2643 Sr. Paralegal – Intellectual Property

Fax: 703-872-9306 Pages
with 4
Cover:


FORMAL SUBMISSION OF:

- 1) Amendment Transmittal; and
- 2) Petition for Withdrawal of Holding of Abandonment.

Title: TECHNIQUES FOR PROVIDING UNINTERRUPTED DIGITAL COMMUNICATIONS TO CUSTOMERS COUPLED TO LOCAL LOOP GENERATION EQUIPMENT
Serial No. 09/386,775
Filing Date: August 31, 1999
First Named Inventor: Laszlo ERDLEY, JR.
Atty. No. 00-VE13.51

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the above-referenced documents are facsimile transmitted to the Patent and Trademark Office on the date shown below:


Christian R. Andersen

Date of Transmission: December 9, 2004

PTO/SB/21 (04-04)

Approved for use through 07/31/2008. OMB 0661-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

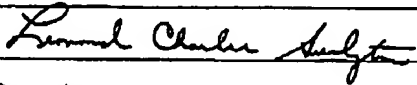
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/386,775
		Filing Date	August 31, 1999
		First Named Inventor	Laslo Erdely Jr.
		Art Unit	2643
		Examiner Name	Tieu, Binh Kien
Total Number of Pages in This Submission	3	Attorney Docket Number	00-VE13.51

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Leonard C. Suchyta, Reg. No. 25,707 Attorney for Applicants
Signature	
Date	December 9, 2004

Transmittal	
I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office to Examiner Tieu at 703-872-9306 on the date shown below.	
Dated: December 8, 2004	Signature:  (Christian R. Andersen)

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Attorney Docket No. 00-VE13.51

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Laszlo Erdely Jr.

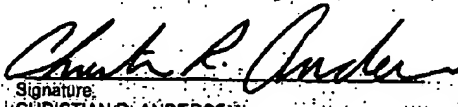
Serial No.: 09/386,775

Group Art Unit: 2643

Filed: August 31, 1999

Examiner: Tieu, Binh Kien

For: TECHNIQUES FOR PROVIDING UNINTERRUPTED DIGITAL
COMMUNICATIONS TO CUSTOMERS COUPLED TO LOCAL
LOOP GENERATION EQUIPMENTMS Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
<input type="checkbox"/> deposited with the United States Postal Service	<input checked="" type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office to Examiner Bul at 703- 872-9308.
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_____ Express Mail, Post Office to Addressee, Mailing Label No. _____ addressed to Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	
Date: December 9, 2004	 Signature: CHRISTIAN R. ANDERSEN

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Dear Sir:

On October 4, 2004, the United States Patent and Trademark Office sent a Notice of Abandonment with respect to the above-identified application. The stated reason for abandonment was Applicant's failure to timely respond to an Office Action mailed on February 6, 2004. The Notice of Abandonment is improper because the Office Action dated

Attorney Docket No. 00-VE13.51

PATENT

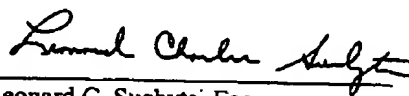
February 6, 2004 was never received by attorneys for applicant. Facts supporting the statement are as follows:

1. Applicant filed a Status Inquiry and Revocation of Prior Powers, Appointment of New Power of Attorney and Change of Addressee of Record on February 26, 2003.
2. Applicant received an Office Action dated February 14, 2004 and forwarded a response to same on July 11, 2003.
3. Applicant received an Office Action dated September 23, 2003 and forwarded a response to same on December 23, 2004.
4. Applicant received a copy of the Notice of Abandonment dated October 4, 2004 from the law firm of Morgan Lewis & Bockius LLP of Washington, DC. This law firm received the Notice of Abandonment in error and forwarded it to applicant.
5. Applicant never received the Office Action dated February 6, 2004.

Since the indicated papers were not received, the Notice of Abandonment is improper. Applicant respectfully requests that the holding of abandonment be withdrawn, and that the application be return to an allowed status and the missing papers be resent. No fee is believed to be due with the filing of this Petition; however if any such fee is due, it may be withdrawn from Deposit Account No. 07-2347 under Docket No. 00-VE13.51.

Respectfully submitted,

Date: December 9, 2004


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